

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TOM HENSIEK, *et al.*,
Plaintiffs,

vs.

BD. OF DIRECTORS OF CASINO QUEEN
HOLDING CO., INC., *et al.*,
Defendants.

BD. OF DIRECTORS OF CASINO QUEEN
HOLDING CO., INC., *et al.*,
Crossclaim/Third-Party Plaintiffs,

vs.

CHARLES BIDWILL, III, *et al.*,
Crossclaim/Third-Party Defendants.

CHARLES BIDWILL, III,
TIMOTHY J. RAND,
Defendants/Counterclaimants,
Crossclaim/Third-Party Plaintiffs,

vs.

TOM HENSIEK, *et al.*,
Counterclaim/Crossclaim/Third-Party
Defendants.

JAMES G. KOMAN,
Crossclaim Plaintiff,

vs.

BD. OF DIRECTORS OF CASINO QUEEN
HOLDING CO., INC., *et al.*
Crossclaim Defendants.

Case No. 3:20-cv-00377-DWD

**JOINT NOTICE OF CLASS-ACTION SETTLEMENT AND MOTION TO
CONTINUE STAY AND SET DEADLINE FOR PRELIMINARY APPROVAL**

Tom Hensiek, Jason Gill, and Lillian Wrobel (“Plaintiffs”), along with all Defendants,¹ (collectively, the “Parties”) hereby provide this status update pursuant to the Court’s Order (ECF 536). The Parties hereby notify the Court that they have reached agreement on material terms of a class action- settlement. So that the Parties may focus on finalizing the settlement and the settlement approval process, the Parties respectfully request that the Court: 1) continue the stay of this case and of all existing case deadlines; and 2) set a deadline of November 11, 2024 for the Parties to file a motion for preliminary approval of their anticipated final class-action settlement agreement. In support, the Parties state as follows:

1. On April 8, 2024, the Seventh Circuit granted Plaintiffs’ Petition to Appeal Under Fed. R. Civ. P. 23(f) (“Petition”). *See* ECF 516.

2. The Parties have been undertaking settlement negotiations in an attempt to reach a global settlement.

3. On June 17, 2024, this Court granted the Parties’ Joint Motion to Stay Pending Settlement Negotiations and stayed this case through August 1, 2024, so that the Parties could pursue settlement negotiations. ECF 532.

¹ The Defendants include the Board of Directors of CQ Holding Company, Inc. (a/k/a CQH Board of Directors); the Administrative Committee of the Casino Queen Employee Stock Ownership Plan; the Co-Trustees of the Casino Queen Employee Stock Ownership Plan; Charles Bidwill, III; Timothy J. Rand; James G. Koman; Jeffrey Watson; Robert Barrows; Mary C. Bidwill; Brian R. Bidwill; Patricia M. Bidwill; Shauna Bidwill Valenzuela; The Karen L. Hamilton Irrevocable Trust, its Trustee, and any beneficiaries of said Trust; The William J. Koman, Jr. Irrevocable Trust, its Trustee, and any beneficiaries of said Trust; The William J. Koman, Sr. Living Trust, its Trustee, and any beneficiaries of said Trust; The Elizabeth S. Koman Irrevocable Trust, its Trustee, and any beneficiaries of said Trust; The Janis A. Koman Irrevocable Trust, its Trustee, and any beneficiaries of said Trust; and The James G. Koman Irrevocable Trust, its Trustee, and any beneficiaries of said Trust.

4. On August 1, 2024, the Parties moved the Court to extend the stay so that settlement negotiations could continue. ECF 535. On August 2, 2024, the Court extended the stay through September 3, 2024 and directed the Parties to file a notice of settlement or joint status report on that date. ECF 536.

5. On September 3, 2024, the Parties executed a term sheet reflecting material terms of a class-action settlement.

6. The Parties are now working toward finalizing and executing a full class-action settlement agreement that, if approved by the Court, would resolve this case and the appeal pending before the Seventh Circuit. A stay is in the interest of judicial economy and will allow the Parties to focus on finalizing their full settlement agreement and moving for preliminary approval of the settlement.

WHEREFORE, the Parties respectfully request that the Court: 1) continue the stay of this case and of all existing case deadlines; and 2) set a deadline of November 11, 2024 for the Parties to file a motion for preliminary approval.

Dated: September 3, 2024

Respectfully submitted,

/s/ Ryan Wheeler

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